

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:04CR74

UNITED STATES OF AMERICA)

VS.)

STEPHEN DALE McCLELLAN)
_____)

ORDER

THIS MATTER is before the Court on remand from the Fourth Circuit Court of Appeals for resentencing. ***United States v. McClellan*, 2006 WL 1476183 (4th Cir. 2006).**

IT IS, THEREFORE, ORDERED that this matter is hereby scheduled for resentencing on **WEDNESDAY, AUGUST 9, 2006, AT 9:00 AM**, at the U.S. Courthouse in Asheville, North Carolina.

IT IS FURTHER ORDERED that counsel be appointed to represent the Defendant at resentencing. A revised presentence report is not necessary for this hearing.

IT IS FURTHER ORDERED that the United States Marshal make arrangements to have the Defendant transported from his place of

incarceration to the hearing and return him thereto after resentencing. The United States Marshal shall ensure that the Defendant arrives in this District prior to the hearing date in order that he may be afforded adequate opportunity to confer with counsel in preparation for the resentencing hearing.

The Clerk of Court is directed to transmit this Order electronically to the Federal Defenders Office, the United States Attorney, the United States Marshal, the United States Probation Office, and via regular mail to the Defendant.

Signed: July 5, 2006

A handwritten signature in black ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg
United States District Judge

